



Legislation Text

File #: ORD. 2022-206, **Version:** 1

To amend Ord. No. 2020-269, adopted January 11, 2021, which authorized the special use of the properties known as 502, 504, 506, 508, 512, and 514 Westview Avenue for the purpose of up to 12 single-family detached dwellings, upon certain terms and conditions, to authorize the special use of the properties now known as 502, 502 ½, 504, 504 ½, 506, 506 ½, 508, 512, 512 ½, 514, and 514 ½ Westview Avenue for the purpose of up to [ten] 11 single-family detached dwellings. (As Amended) (1st District)

I. Ordinance No. 2020-269, adopted January 11, 2021, is hereby amended and reordained as follows:

WHEREAS, the owner of the properties known as 502, 502½, 504, 504 ½, 506, 506 ½, 508, 512, 512 ½, ~~[and]~~, 514, and 514 ½ Westview Avenue, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of up to ~~[12]~~ [ten] 11 single-family detached dwellings, which use, among other things, is not currently allowed by sections 30-408.4, concerning lot area and width, 30-408.5, concerning front and side yards, and 30-408.6, concerning lot coverage, of the Code of the City of Richmond ~~[(2015)]~~ (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not

create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. **Grant of Special Use Permit.**

(a) Subject to the terms and conditions set forth in this ordinance, the properties known as 502, 502 ½, 504, ■

(b) The adoption of this amendatory ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this amendatory ordinance is adopted and their successors in fee simple title, all of which are hereinafter referred to as “the Owner.” The conditions contained in this ordinance shall be binding on the Owner.

§ 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:

(a) The Special Use of the Property shall be as up to ~~[12]~~ ~~[ten]~~ 11 single-family detached dwellings and other uses permitted in the underlying zoning district, substantially as shown on the Plans.

(b) The height of the Special Use shall not exceed the maximum building height permitted ~~[of]~~ in the underlying zoning district.

(c) The lots sizes for the Special Use shall not be smaller than the lot sizes listed on Sheet ~~[1]~~ P2 of 3 of the Plans.

(d) ~~[AH]~~ Access to all lots with frontage ~~[to]~~ on the ~~[proposed]~~ private roads proposed on the Plans shall ~~[use the]~~ solely be available through such private roads ~~[for access to the lot]~~. No ~~[more than one]~~ driveway access to Westview Avenue shall be permitted.

(e) Prior to any construction of the Special Use, the Owner shall obtain a determination from the Director of Planning and Development Review that the final elevations, building materials, and building footprints for the ~~[dwellings]~~ Special Use are in accordance with applicable laws and regulations.

(f) All mechanical equipment serving the Property, including HVAC units, shall be located or screened so as not to be visible from any public right-of-way.

(g) A minimum of one off-street parking space shall be provided for each dwelling authorized by the Special Use permit.

(h) Setbacks shall be as shown on the Plans.

(i) Each entrance sign for the Special Use shall be no greater than 32 square feet in area and shall not exceed a height of four feet. Prior to the erection or installation of any entrance sign, the Owner shall obtain a determination from the Director of Planning and Development Review that the final design of such ~~[signs]~~ sign is in accordance with applicable laws and regulations.

(j) The private roads shown on the Plans shall be named pursuant to applicable local and state regulations and shall include sidewalks, substantially as shown on the Plans.

(k) The Owner shall grant to the City a permanent access easement along the private roads shown

on the Plans and shall execute appropriate agreements or covenants [~~offering to~~] with the City [~~the Owner's assurance~~] acceptable to the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services [~~as to the~~] providing for such roads' continued maintenance and suitability for all-weather travel by public and emergency vehicles, [~~provided that appropriate~~] which agreements or covenants [~~providing for the continued maintenance thereof~~] shall be approved by the City Attorney. Prior to the issuance of any certificate of occupancy for the Special Use, the subdivision of the Property into up to [~~12~~] [~~ten~~] 11 residential lots and a common area lot, substantially as shown on the Plans, shall be accomplished by obtaining the necessary approvals from the City and recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.

§ 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

(a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.

(b) Storm or surface water shall not be allowed to accumulate on the land. The Owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the Property so as not to adversely affect or damage any other property or public streets and the use thereof.

(c) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(d) Any encroachments existing, proposed on the Plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond [~~(2015)~~] (2020), as amended, and all future amendments to such laws.

(e) The Owner shall make improvements within the right-of-way, including the installation of a new

sidewalk along Westview Avenue and two new entrances to Westview Avenue, substantially as shown on the Plans, which improvements may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the Property until all requirements of this subsection are fully satisfied.

(f) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.

§ 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:

(a) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the Property have been paid.

(b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

(c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond [~~(2015)~~ (2020)], as amended, unless the context clearly indicates that a different meaning is intended.

(d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.

(e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond [~~(2015)~~] (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.

(f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.

§ 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

§ 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.

O & R Request

DATE: April 25, 2022 **EDITION:** 1

TO: The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)
(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic
Development and Planning

FROM: Kevin J. Vonck, Director, Department of Planning and Development Review

RE: To amend and authorize the special use of the properties known as 502, 502.5, 504, 504.5, 506, 506.5, 508, 512, 512.5, 514, and 514.5, Westview Avenue for the purpose of up to 10 single-family detached dwellings, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To amend and authorize the special use of the properties known as 502, 502.5, 504, 504.5, 506, 506.5, 508, 512, 512.5, 514, and 514.5, Westview Avenue for the purpose of up to 10 single-family detached dwellings, upon certain terms and conditions.

REASON: The applicant is intending to amend an existing subdivision plan which included a total of twelve private lots for newly constructed single-family dwellings which was originally granted a Special Use Permit to allow such lots under the current R-4 Single Family Residential zoning and its requirements regarding lot coverage, lot area and width, as well as front and side yard setbacks. The applicant wishes to reduce the number of private lots from twelve to eleven, and reduce the number of single-family dwellings from twelve to ten. A Special Use Permit amendment is therefore required.

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its June 21, 2022, meeting.

BACKGROUND: The properties known as 502, 502.5, 504, 504.5, 506, 506.5 508, 512, 512.5, 514, and 514.5 Westview Avenue consist of a combined 57,194 sq. ft., or approximately 1.3 acres of unimproved parcels of land located in the Westhampton Neighborhood.

The City of Richmond’s Richmond 300 Master Plan designates these parcels as Residential, which is defined as neighborhoods “...consisting primarily of single-family houses on large- or medium-sized lots more homogeneous in nature.”

Intensity: Buildings are generally one to three stories. Lot sizes generally range up to 5,000 to 20,000+ sq. ft.

Residential density of 2 to 10 housing units per acre.

Primary uses: single-family houses, accessory dwelling units, and open space.

Secondary Uses: small multi-family buildings (typically 3-10 units), institutional, and cultural. Secondary uses may be found along major streets. (p. 54)

The majority of properties surrounding the proposed are currently zoned R-4 Single Family Residential. The density of the proposed project, if approved, would be approximately 7.7 units per acre.

FISCAL IMPACT / COST: The Department of Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

FISCAL IMPLICATIONS: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

BUDGET AMENDMENT NECESSARY: No

REVENUE TO CITY: \$200 application fee.

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: May 23, 2022

CITY COUNCIL PUBLIC HEARING DATE: June 27, 2022

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission
June 21, 2022

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: Amend Ord. No. 2020-269

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Report, Survey

STAFF: Jonathan Brown, Senior Planner, Land Use Administration (Room 511) 646-5734

Key Issues:
Retain on Consent Agenda
Move to Regular Agenda

Refer Back to Committee
Remove from Council Agenda
Strike Withdrawn Continue to: